



Homeland
Security

22 April 2008

Interested PACTS Vendors:

The Department of Homeland Security issued the PACTS Draft Request for Proposal (DRFP) with the hope of receiving questions and comments which would enable DHS to issue a more refined solicitation. DHS also requested questions and comments to the DRFP and to the PACTS program in general at the PACTS Industry Day held March 26, 2008. The response to the DRFP and generally to PACTS has been significant.

Attached to this letter are the more general questions and their corresponding answers. The more RFP-specific questions will be answered separately or a change will be made in the final RFP. In many cases, several questions addressing the same issue have been combined. Because many of the questions and answers may change, DHS is not bound to the answers to any questions it provides to any potential Offerors.

The Government currently intends to utilize an evaluation scenario similar to Scenario Three (3) (Phase I, Phase II) as outlined in the cover letter of the DRFP. It is the sole responsibility of potential Offerors to read and adhere to the provisions and instructions of the final RFP. Please continue to monitor www.fbo.gov (FedBizOpps) for any updates to or additional information on the PACTS program.

Please continue to forward any correspondence regarding the PACTS program to include questions to PACTS@dhs.gov. We appreciate the Service Disabled Veteran-Owned Small Business community and their support of the PACTS requirement.

Regards,

H. Harrison Smith IV

H. Harrison Smith, IV
PACTS Contracting Officer
Office of Procurement Operations

**PACTS INDUSTRY DAY
AND DRAFT RFP QUESTIONS AND ANSWERS**

Q #	Question / Comment	Response / Answer
1	Who are the members of the source selection team?	This is source selection sensitive information that will not be disclosed.
2	Will there be a 30 or 45 day turnaround for final proposal submission?	Due dates for submission of documents shall be indicated in the final RFP.
3	Is PACTS a performance-based contract? Will the contracts/TOs be issued as performance-based?	Performance-based task orders may be issued under the PACTS IDIQ contracts. PACTS will provide for a myriad of task order types and pricing arrangements. The specific type of effort and appropriate pricing arrangement will be established at the task order level.
4	Would DHS look at an SDVOSB who is in the DHS Mentor Protégé Program in a more favorable light than one who is not?	There will be no preference given to a SDVOSB who is in the DHS Mentor/Protégé Program over a SDVOSB who is not.
5	Does DHS have funds available for small businesses to be able to bid on contracts that require large “up-front” investment?	Funding strategies will be determined at the task order level.
6	Will any consideration be given to companies and/or the process to ensure that independent (not aligned with a big company) SDVOSBs actually have the opportunity to deliver their capabilities?	Proposals, whether they are provided by a team, joint venture, or an individual vendor, will be evaluated based upon the evaluation factors set forth in the RFP. No preference will be given to a particular type of teaming arrangement (or lack thereof).
7	If a company has been a SDVOSB Sole Proprietorship in the past, and is now a SDVOSB Corporation, should the proposal be submitted from the Corporation?	ORCA representation at the time of proposal submission should be used to determine status of the SDVOSB.
8	Will the Acquisition Strategy include companies outside the beltway?	There is no preference given to proposals based upon their respective geographic origin, nor is there any pre-determined delineation of awards based upon geographic origin.

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9	If an SDVOSB is awarded PACTS will they be excluded from bidding or being awarded future procurement vehicles (like OMNIBUS)?	Currently, the Government does not anticipate precluding PACTS vendors from other DHS awards. Potential conflict of interest issues will be addressed on a case-by-case basis.
10	If a vendor is not selected in this current RFP, when will DHS be issuing another round of RFP's?	It is anticipated that the PACTS suite of IDIQ contracts will be in effect for a minimum period of two years, up to a potential maximum of five years. It should be noted that PACTS is not a 'rolling admission' program, but the Government does reserve the right to re-solicit for additional PACTS vendors.
11	Will OCI mitigation be handled at the task order level as it is in EAGLE? Does the Government anticipate requiring statements regarding OCI issues at the contract level?	Organizational Conflict of Interest (OCI) issues will be addressed at the task order level.
12	What is the process for releasing Task Orders? Web portal, email, etc.	Currently, no specific system has been identified that will process task orders or requests for task order proposals. The Government is, however, currently considering using FedConnect.
13	When the RFP discusses the need to identify technologies, is it just the technologies for Project Management, Administration, Clerical & Technical Services, or is it other technology like Chemical/Biological sensors, surveillance systems, etc.?	All services provided under PACTS must be within the scope of the NAICS codes and functional categories as defined in Section C of the RFP.
14	Some services in the Technical Services and Program Management area may overlap with EAGLE services. How will you determine which vehicle to use for an individual requirement?	The PACTS Program Manager and Contracting Officer will ensure that the PACTS contracts are being utilized for non-IT services.
15	Will PACTS address any purchasing of <u>Products</u> or strictly services?	PACTS is for non-IT services.
16	Will any of the task orders under Functional Category 4 be Brooks Act evaluation as A&E services?	No.

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17	Which geographical region will most likely utilize the IDIQ? Is there a specific region in the US that has a greater need for services provided under PACTS? What is the estimated OCONUS support anticipated for PACTS? Is there an anticipated break-out of PACTS orders amongst the various DHS components?	There is no pre-determined geographic usage pattern for PACTS among DHS components, or otherwise. It is intended that PACTS will be used by DHS and its components. Services will be required in the geographical region in which DHS or one of its components has an existing need.
18	To adequately develop the OCONUS Pricing Multiplier, can you assist industry by providing the likely OCONUS locations that PACTS contractor may support?	There is no pre-determined geographic usage pattern for PACTS. Therefore, there is no list of locations where PACTS will definitely be used that DHS can provide. Services will be required in the geographical region in which DHS or one of its components has an existing need.
19	Is there an interested vendor list? Can you create a list of vendors that are still looking for teaming partners?	There is a list of interested vendors (for those vendors who have chosen to provide their information) available on FedBizOpps. Note that DHS does not manage, alter, or provide names for the list on FedBizOpps.
20	Where will slides from the PACTS Industry Day be posted? Will a list of attendees be posted?	The slides presented during the Industry Day and the attendees list have been posted on FedBizOpps.
21	Will DHS hold a Post Award Conference where DHS Components can meet the PACTS vendors? This would minimize some of the urgency for a company to meet everyone in DHS.	Yes.

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22	What's the benefit to the agencies to use the PACTS vehicle vs. doing a direct set-aside outside of PACTS to a SDVOB? i.e., What's the difference to the agency?	PACTS will provide an established suite of IDIQ contracts with existing ordering processes and established vendors who are familiar with and capable of providing the requirement. This provides economies of scale, procurement efficiencies, opportunities to meet socio-economic goals, and ease of use to DHS and its components.
23	Will there be a draft proposal review before final proposals are due?	There will be no draft proposal review.
24	What are the page limits for proposal?	The page limits for proposals will be listed in the final RFP.
25	Please summarize what elements of the Draft RFP will change in the Final RFP.	It is the responsibility of the vendors to read the final RFP in its entirety and adhere to its provisions when submitting a proposal.
26	Is there a list a current contracts being rolled into PACTS? And a list of incumbents for those contracts? Will DHS publish this list?	There is no current list of contracts or incumbent contractors for services similar to those which will be procured under PACTS.
27	Will existing BPAs, IDIQs, other contract vehicles be phased out as they expire in order to move work to PACTS?	Currently there is no DHS policy mandating the usage of PACTS, nor is there a policy to actively phase out existing vehicles which provide similar services. It should be noted, however, that DHS is actively promoting PACTS as the vehicle for non-IT services within the four functional categories.
28	Does the contract level Program Manager need to be based in Washington, DC metropolitan area?	No.
29	Can the Department of Defense Northern Command use this vehicle?	Only DHS and its components may use PACTS.

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30	How many awards do you anticipate? Is there an anticipated number of awards per Functional Category (FC)? Is there a minimum or maximum number of awards overall, or per FC?	DHS anticipates multiple awards for each functional category. There is no maximum or minimum number of awards overall, or per functional category.
31	Will OPO take an “all or nothing” approach to making individual awards? For example, if an Offeror bids on all 4 functional categories (FC), can the company “win” 2? Is there any preference given to vendors/teams based on the number of FCs to which they propose?	DHS is not taking the all or nothing approach. Vendors/teams may propose for one, two, three, or all four FCs. There is no preference given to vendors/teams based on the number of FCs to which they propose.
32	Does being qualified in any FC allow a winning contractor to bid for tasks across all FC?	No.
33	Will the Government consider eliminating “logical follow-on” awards under the exceptions to fair opportunity procedures?	The exceptions to fair opportunity procedures are dictated by the Federal Acquisition Regulation.
34	Is there a maximum length for task orders?	Period of performance will be defined at the task order level.
35	Will the PACTS IDIQ contracts provide for cost plus task orders? Must the prime have an approved accounting system at the time of proposal submission?	PACTS will not provide for cost type task orders.
36	What are the requirements for performance bonds or errors and omissions insurance?	Any requirements for performance bonds or errors and omissions insurance will be decided at the task order level.
37	Can a Large company team with an SDVOSB on one NAICS Code, and with another SDVOSB on other NAICS code?	Yes.
38	Does the Prime have to do at least 50% of direct labor OR is it the accumulation of SB(s)?	The prime contractor must be a SDVOSB. If the prime subcontracts to or teams with another SDVOSB (not just a SB, but a SDVOSB), those efforts do count towards the at least 50% criterion.

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39	Must the SDVOSB perform 50% of the effort calculated on overall PACTS activity or on task order by task order basis?	The SDVOSB must perform at least 50% of the labor across all task orders (i.e., overall PACTS activity). If the prime subcontracts to or teams with another SDVOSB (not just a SB, but a SDVOSB), those efforts do count towards the at least 50% criterion.
40	The draft RFP states that 5 year teaming agreements are needed. Typically, teaming agreements are for the life of the proposal process. If the contract is won, sub-contract agreements are issued. What is the purpose of attaching five year teaming agreements?	The Government acknowledges that traditionally, teaming agreements apply to the proposal process, and are followed by subcontracting agreements if an award is made. The purpose of requiring 5 year teaming agreements is to reinforce and underscore the importance of having the same team for the life of the PACTS program.
41	Are teams “fixed” at award or can additional team members be brought aboard/substituted after award?	DHS will not allow substitution of team members or the additions of new members except under extreme circumstances as may be determined solely by DHS.
42	How many past performance examples should be provided, and how should the issue of subcontractors/team members be addressed?	The number of required past performance examples will be provided in the final RFP. Past performance examples from subcontractors/team members may be included as part of the past performance examples. At this time, there is no emphasis placed on the past performance of the prime over past performance of the subcontractors or team members.
43	May other than SDVOSBs entities be part of a team?	The prime (including joint ventures) must be a SDVOSB. The prime may subcontract with other than SDVOSB entities.
44	May a prime contractor (bidder) be bid as a sub on another prime?	Yes.

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45	Would DHS be open to non-exclusive teaming arrangements among bidders?	Yes.
46	Many non-SDVOSB's are teaming with multiple SDVOSB's. Many say that DHS is encouraging this activity. Isn't this contrary to the FAR or contract law?	DHS is not encouraging or discouraging any particular teaming arrangement or lack thereof.
47	In <u>Teaming Arrangements</u> , do all team members need to be under the functional category size standards?	No.
48	What share of the work must the prime perform?	The prime contractor must be a SDVOSB, and must perform at least 50% of the work. If the prime subcontracts to or teams with another SDVOSB (not just a SB, but a SDVOSB), those efforts do count towards the at least 50% criterion.
49	Will each member of a team submit cost or will all members live with the single submission? Rates of small primes may be very different from the rates of larger team members.	Each proposal shall contain one fully loaded hourly labor rate per labor category (to include contractor and government site rates). These fully loaded hourly labor rates are the ceiling rates representing the maximum rates allowable for prime and subcontractor efforts.
50	May a Company have 2 contract-level program managers?	No.
51	Can past performance references be commercial or do they have to be Government?	There is no restriction on the source of past performance.
52	It appears as though five past performance examples will be required for each Functional Category that an Offeror chooses to propose to – this means twenty past performance examples if all four Functional Categories are proposed to. Is this correct?	The number of required past performance examples will be provided in the final RFP. It should be noted that Offerors shall indicate if they do not have any past performance, or if they have fewer than the amount requested in the final RFP. Lack of relevant past performance will result in assignment of a neutral past performance rating.

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53	Is past performance limited to five per NAICS code or five for entire proposal?	The number of required past performance examples will be provided in the final RFP. The number requested will be based on functional category, not the NAICS code.
54	Security clearances can be time-consuming within DHS. Some Agencies will not accept Department of Defense security clearances or even DHS Suitability Clearances. What are the clearance requirements? What relief, if any will be provided?	There will be no security clearance requirements at the contract level. Security clearance requirements will be established at the task order level.
55	Will DHS honor personnel security clearances from the Department of Defense?	Security clearance requirements will be established at the task order level.
56	Will the final RFP include a requirement for the 2 most recently audited financial statements?	There will not be a requirement for audited financial statements. DHS will, however, consider them if they are provided as part of the proposal.
57	Does the Program Manager have to be a direct employee of the Prime, or may he/she be an employee of a sub-contractor?	There is no requirement for the Program Manager to be the direct employee of the prime contractor.
58	Is there a minimum duration/tenure of employment required for the Program Manager before they may be included in the proposal?	No, there is no minimum amount of time that an individual must have worked for a company prior to being proposed as the Program Manager. It should be noted that the Government considers the Program Manager an integral part of a potential PACTS vendor, and that type and/or duration of employment may reflect his/her qualifications.
59	Will the contract-level Program Manager be a direct-billable position?	No.

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60	What is the difference between the contract-level program manager and the task order-level project manager?	The contract-level program manager will manage the overall PACTS contract, which may include multiple task orders and/or multiple functional categories. The task order-level project manager will be identified at the task order level.
61	Will the Program Manager be issued a DHS building pass upon award?	The Government will consider issuing Program Managers DHS identification on a case by case basis.
62	Are there minimum dollar values associated with each past performance example effort (i.e., Over \$5M)?	Currently, there are no minimum values associated with past performance examples.
63	Does the Prime have to have applicable DHS past performance or will general government past performance be acceptable?	There is no requirement for past performance to be a result of a contract or task order with DHS. Other past performance examples will be accepted. There is no preference given to DHS over non-DHS past performance.
64	Can the same contract be used for Past Performance in more than one Functional Area?	Past performance examples should be relevant and recent to the Functional Category which is being proposed. There is no restriction in regards to the source of the past performance example.
65	Will project management experiences that were acquired greater than five (5) years ago be allowed?	The requirement for recent examples (within the past 5 years) applies to the evaluation factors for past performance and experience, not Program Manager qualifications.
66	Is an Offeror required to have five past performance examples?	The number of required past performance examples will be provided in the final RFP. Offerors shall indicate if they do not have any past performance. Lack of relevant past performance will result in assignment of a neutral past performance rating.

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67	Given that the US Secret Service is a potential client of the PACTS effort, what are the security clearance requirements for personnel supporting this client's tasks?	Security clearance requirements will be addressed at the task order level.
68	Will the awardees have the ability to propose additional labor categories after award of the base contract?	The RFP addresses the addition of labor categories.
69	Does the Task Order Program Manager have to be on the payroll of the contractor prior to the award of a Task Order? Does every Task Order require a Program Manager?	No, the Task Order Program Manager does not have to be on the payroll of the contractor prior to the award of the Task Order. The Task Order Program Manager requirements will be indicated at the Task Order level.
70	Does a Program Manager have to be PMP certified?	There is no requirement for a Program Manager to be PMP certified. However, professional qualifications/certifications will be considered in the evaluation.
71	Do you anticipate submitting sample task orders for price comparison purposes in the final RFP?	No.
72	Can only the Prime on the PACTS contract bill and get paid by the government? For example, if work is performed in a functional area by a sub-contractor, can the sub-contractor bill and then get paid for the work performed by the government directly?	DHS will only pay the entity with which it has a contractual relationship.
73	Is there a performance evaluation in the middle of the base period and at the end so the contractor knows the status of getting the option years? What is the method of evaluation?	Options will be exercised at the sole discretion of the Government and in accordance with FAR 17.2.

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Q #	Question / Comment	Response / Answer
74	I understand that member entities of a SDVOSB Joint Venture must each fit the size standard on an individual basis. Does the same hold for teaming arrangements?	No. A joint venture is a legal entity. A teaming arrangement is a formalized subcontracting agreement, and subcontractors do not have to fall under the size standard.
75	How will growth of small businesses be monitored, and what will the impact of that growth be on future option years? For instance, if an SDVOSB meets the size standard for the first year of PACTS, but then exceeds it during the second year, what happens then?	A contractor that represents itself as small at the time of contract award does not have to re-represent within a five year period unless in the event of a novation, merger, or acquisition. Please refer to FAR 52.219-28 for additional information on this topic.
76	How does DHS plan to verify the SDVOSB status of the prime Offerors?	The SDVOSB is a self-representation program. Please refer to FAR 19.403 and 19.307 for additional information on this topic. DHS will also be relying on the information in www.orca.gov .

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Q #	Question / Comment	Response / Answer
77	We do not have all of the NAICS codes listed on our company's NAICS list, but we are already doing all of these duties at DHS. We have never updated our NAICS codes. Does that matter?	No. However, it is recommended that you update CCR, Department of Small Businesses Services, and ORCA with the new NAICS codes and whether or not your firm is small in those additional NAICS codes.
78	Do the size standards for each NAICS codes apply to just work performed in that category, or overall work performed? For instance, for the size standard for Program Management, should we take into account all the work that the company does, or just the Program Management work?	The size standard is the largest that a for-profit concern can be and still qualify as a small business. Size standards are the average annual average gross revenue of the concern taken for the last three (3) fiscal years. Please refer to FAR 19.101(7)(B)(2)(v).
79	In regards to the size standard for 541330 – are you using the <500 people or the <\$6.5M?	The size standard for 541330 is \$4.5 million.
80	Does DHS need to see the percentage disabled letter from VA to verify the SDVOSBs status?	No, an Offeror must represent in good faith that it meets the definition of a SDVOSB. Please refer to FAR 19.1403. DHS will also be relying on the information in www.orca.gov .